

REMARKS

In accordance with the foregoing, claims 1-5, 7, and 8 are amended. Claims 1-8 are pending and under consideration.

CLAIM REJECTIONS UNDER 35 U.S.C. §112

The Office Action rejects claims 2-5 and 7 for indefiniteness. In accordance with the foregoing, claims 2-5 and 7 are amended herewith, taking into consideration the Examiner's comments. Withdrawal of the claim rejections is respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

Claims 1-8 are rejected under 35 U.S.C. §102 as allegedly being anticipated by U.S. Patent Application Publication No. 2002/0065805 to Barnes (hereinafter "Barnes").

Barnes discloses a system, method, apparatus and computer program for providing location based functions and mobile e-commerce (see Barnes' Abstract).

Independent claim 1 recites a reservation acceptance system having a request acceptance portion, a current position information obtaining portion, an area information storage portion, an existence decision portion, and a reservation acceptance processing portion.

Barnes and claim 1 operate on fundamental different premises. In Barnes, a customer receives (i.e. may use) information about available services (points of interest) depending on his location. In the reservation acceptance system of claim 1, the customer requests a service and he may receive ("reservation acceptance") the service or not depending on his location. The decision factor in Barnes is the customer, while the decision factor in claim 1 is the reservation acceptance system. The reservation acceptance system of claim 1 reaches a decision on whether or not to reserve the service for the customer.

Barnes does not teach or suggest "an area information storage portion for storing area information that defines a predetermined area around a provision position of the service" (emphasis ours to be used in the following arguments) as recited in claim 1. Relative to the area information storage portion, the Office Action alleges that Barnes discloses in:

"... ([0162], database may store available points of interest [vendor locations] limited to a predetermined area, w/ [0316], restricted location w/[0135], restrictions stored in device, data storage rules based on location of user);" (see last line of page 3 of the Office Action, to line 2 on page 4).

The partial reproduction of the claim language in the Office Action stopping at the word "information" (emphasized when the claim 1 recitation was reproduced above), ignores the above identified fundamental difference between Barnes and claim 1. The information in the database is related to different points of interest. This information is provided to a user in view of his position. In contrast, claim 1 recites "area information that defines a predetermined area around a provision position of the service." In other words, Barnes provides to the user information about services (points of interest) around the user's location, while according to claim 1, the area information defines an area surrounding the location where the service is provided. It is unclear why the Office Action indicates paragraphs disclosing restricted location, [0316], restrictions stored in device, [0135], and data storage rules based on location of user [0141]. Even if the indicated paragraphs teach what it is asserted that they teach, these teachings are irrelevant because they do not correspond to the claim language.

Barnes does not teach or suggest "a reservation acceptance processing portion that performs a reservation acceptance process for accepting a reservation of the service that relates to the request information when it is decided that the customer ~~who made relating to~~ to the request information is within the predetermined area and does not perform the reservation acceptance process when it is decided that the customer is not within the predetermined area" as recited in claim 1. The Office Action alleges that paragraph [0277] of Barnes teaches that "user can use the device to request vendor information, reservation can be made" and that paragraph [0321] of Barnes teaches "if user is in a restricted location, user cannot make a request [engage in requested action, and therefore can not make a reservation]" (see lines 13-16 of page 4 of the Office Action). It appears that the Office Action interprets the claim recitation in a manner that departs from the previous recitations therein and plain meaning as interpreted in light of the specification.

In claim 1, the existence decision portion and the reservation acceptance processing portion of the reservation acceptance system determine and perform whether a request for service is accepted and a reservation is performed based on whether the user is within the predetermined area around a provision position of the service. In contrast to claim 1, in Barnes, a terminal of a service user determines whether to place an order for a product or to make a request for a service based on information about points of interest around the user's position.

At least for the reasons detailed above, claim 1 and claims 2-5 depending from claim 1 patentably distinguish over Barnes.

Independent claim 6 recites a reservation acceptance system for accepting a reservation of a parking lot. In other words parking in the parking lot is the service of claim 1. Although in paragraph [0100], Barnes refers to a parking lot as being one of the points of interest, the parking lot is merely an example of the information provided to user's device 101. Barnes does not teach or suggest performing reservations in the parking lot. In view of these observations, and based on the above extensive arguments, claim 6 and claim 7 depending from claim 6 patentably distinguish over Barnes at least because claim 6 recites:

- an area information storage portion for storing area information that defines a predetermined area around the parking lot;
- an existence decision portion for deciding whether or not the customer who made the request is within the predetermined area in accordance with the current position information and the area information; and
- a reservation acceptance processing portion that performs a reservation acceptance process for accepting a reservation of the parking lot for the customer when it is decided that the customer who made the request is within the predetermined area and does not perform the reservation acceptance process when it is decided that the customer is not within the predetermined area.

In light of the above arguments, independent claim 8 patentably distinguishes over Barnes at least by reciting:

- means for deciding whether or not the customer relating to the request information is within the predetermined area in accordance with the current position information and the area information; and
- means for performing a process for accepting a reservation of providing the service that relates to the request information when it is decided that the customer relating to the request information is within the predetermined area.

NEW CLAIM 9

New claim 9 is an alternative recitation of the reservation system of claim 1. The new claim is fully supported by the originally filed specification and claims.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

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Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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